

The Gazette of India

EXTRAORDINARY

PART II—Section 2

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 19th September, 1958:—

BILL No. 94 OF 1958

A Bill to prevent procreation of human beings of undesirable physical and mental conditions by certain types of people

WHEREAS it is expedient in the interests of health and well-being of society and the financial resources of the State, to prevent certain types of people suffering from highly undesirable physical and mental conditions, from procreating human beings like unto themselves:

5 BE it enacted by Parliament in the ninth year of the Republic of India as follows:—

1. (1) This Act shall be called the Sterilisation of the Unfit Act, 195

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India, except the State of Jammu
10 and Kashmir.

(3) It shall come into force on such dates as the Central Govern-
ment may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) "board" shall mean a board of medical experts consti-
15 tuted under this Act.

(2) "Court" means the District Court of the district in
which the board is situated.

(3) "prescribed method" shall mean vasectomy, urethrectomy, salpingectomy or ovariectomy, or such other method.

(4) "sterilisation" shall include such medical or surgical treatment that would effectively prevent any person, male or female, from giving birth to a child.

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(5) "unfit" shall mean any person, male or female, who suffers from such a type of leprosy or syphilis, insanity or imbecility congenital or otherwise, that he or she is likely to give birth to children like himself or herself unless sterilised.

Constitution
of the board.

3. The State Government may, by notification in the Official Gazette, constitute a board for each district including metropolitan cities with the district medical officer as the chairman and four registered medical practitioners, of whom two shall be official and two shall be non-official. 10

Procedure
for sterilisa-
tion.

4. (1) Whenever information is given to the chairman of the board that any person is unfit the board shall procure the presence of that person and examine him. 15

(2) On a written requisition of the chairman of the board to any Magistrate of the First Class having jurisdiction over the place where that person lives, summons shall be issued by that court to that person in order to appear before it and that person shall, by an order, be bound over to appear before the board: 20

Provided that the date fixed for appearance before the board shall not be less than twenty-one days from the date of such order.

(3) A copy of that order shall be furnished to that person forthwith free of cost. 25

(4) If on the date fixed for appearance before the board, the person does not appear before it, the chairman of the board shall report such fact to the Superintendent of Police of the District.

(5) The Superintendent of Police shall thereupon order the arrest of that person by an officer subordinate to him not lower than the rank of a Circle Inspector of Police and for production before the board. 30

Examination
of person.

5. (1) The board shall then proceed to examine the person with reference to his unfitness. If the majority of the board decide that he is unfit a declaration to that effect shall be made in writing. But if the majority hold that he is not unfit he shall be discharged forthwith. 35

(2) A copy of such declaration shall be furnished to that person the same day free of cost.

6. After such a declaration the person may be sterilised on an appointed day by the prescribed method without dismembering any of his limbs or organs: Sterilisation of person.

Provided that the date fixed for sterilisation shall not be less than twenty-one days of such declaration of unfitness referred to in section 5.

7. (1) Any person summoned shall have the right to appeal to Appeals. the court against the order of the Magistrate of the First Class binding him over to appear before the board.

(2) Any person who has been declared unfit by the board shall have the right to appeal to the court against such declaration.

(3) If on hearing the appeal the court finds that the order binding over the person or the declaration that he is unfit is untenable for any reason, that person shall be discharged and the board shall not proceed against that person any further.

(4) Nothing shall prevent the court from granting a stay pending disposal of any appeal.

20 (5) An appeal under this Act shall lie within fifteen days of the order or declaration as the case may be.

8. Anyone giving information against any person that he is unfit without just or reasonable cause with a view to induce the board to proceed under this Act, and if that information is found to be 25 false or fraudulent or given with a view to annoy, intimidate, defame or disgrace that person, shall be liable to a fine of five hundred rupees. Penalty for false information.

9. (1) The Central Government shall have power to prescribe the method of sterilisation, the places where it should be done and 30 the class of officers who will be authorised to perform sterilisation. Miscellaneous.

(2) No suit or prosecution or other legal action shall lie against any member of the board for anything which is in good faith done or intended to be done under this Act.

STATEMENT OF OBJECTS AND REASONS

It is a social tragedy to allow lepers, syphilitics, the insane, the congenital idiots and the like to bring forth children. Their own lives are miserable. They should not be allowed, in the better and larger interests of society to multiply themselves. A positive action to prevent misery and to improve the general health of the nation is called for. A perceptible increase in these types of people, calls for a legal provision to control and avoid it. The Bill is intended to serve this purpose.

JAGDISH AWASTHI

NEW DELHI;

The 12th August, 1958.

BILL NO. 105 OF 1958

A Bill further to amend the Representation of the People Act, 1950

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People Short title.
(Amendment) Act, 1958.

43 of 1950.

5 2. In section 3 of the Representation of the People Act, 1950 Amendment
(hereinafter referred to as the principal Act), for sub-section (1), of section 3.
the following sub-section shall be substituted, namely:—

“(1) The allocation of seats in the House of the People shall
be as shown in the First Schedule.”.

10 3. Section 3A of the principal Act shall be omitted.

Omission of
section 3A.

4. For section 7 of the principal Act, the following section shall
be substituted, namely:—

Substitution
of new sec-
tion for
section 7.

15 “7. The total number of seats in the Legislative Assembly Total num-
of each State specified in the first column of the Second Sche- ber of seats
dule, to be filled by persons chosen by direct election, shall be in the Legis-
the number specified in the second column thereof opposite to lative Assem-
that State.”. bles.

5. As from the 1st day of January, 1959, in section 14 of the Amendment
principal Act, in clause (b), for the words, figure and letters “the of section
14.

1st day of March", the words, figure and letters "the 1st day of January" shall be substituted.

Omission of section 24. 6. Section 24 of the principal Act shall be omitted.

Amendment of First Schedule. 7. In the First Schedule to the principal Act, the whole of Part I, the word and figures "Part II" and the words "as subsequently constituted" shall be omitted. 5

Amendment of Second Schedule. 8. In the Second Schedule to the principal Act, the words, letters and figures "As constituted on the 1st November, 1956", the whole of column 2, and the words "As subsequently constituted or partially re-constituted" shall be omitted and column 3 shall be re- 10 numbered as column 2.

Amendment of Fourth Schedule. 9. In the Fourth Schedule to the principal Act, under the heading "MADHYA PRADESH", for the entry "3. Mandal Panchayats", the entry "3. Kendra Panchayats" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

"Janapada Sabhas" and "Mandal Panchayats" have been mentioned in the list of local authorities in relation to Madhya Pradesh in the Fourth Schedule to the Representation of the People Act, 1950. Janapada Sabhas function only in the Mahakoshal region of Madhya Pradesh whereas Mandal Panchayats function only in the Madhya Bharat region of Madhya Pradesh. The counterpart of Janapada Sabha in Mahakoshal region is Kendra Panchayat in Madhya Bharat region because both function at tehsil level whereas Mandal Panchayats in Madhya Bharat region function at district level. The Madhya Pradesh Government has accordingly suggested that this anomaly may be removed at an early date by substituting Kendra Panchayats for Mandal Panchayats in the Fourth Schedule to the Representation of the People Act, 1950 as a preliminary to the holding of elections for the purpose of constituting the new Legislative Council for Madhya Pradesh.

2. The Election Commission has pointed out that at present considerable delay takes place in the preparation or revision of the electoral roll of an assembly constituency with reference to the 1st of March which is the qualifying date for such preparation or revision, because electoral registration officers and assistant electoral registration officers who are invariably revenue officers remain very busy with their revenue collection work for two or three months beginning from March with the result that they cannot devote adequate time and attention to the work of preparation or revision of electoral rolls. Consequently it often happens that the final publication of electoral rolls cannot be done till after the close of the year and, therefore, bye-elections falling due in the second-half of the year either have to be held on the basis of old rolls or have to be put off till the final publication of the revised roll. This unsatisfactory state of affairs can be set right only if the qualifying date is changed from the 1st of March to the 1st of January.

3. The present Bill seeks to amend the Representation of the People Act, 1950 to give effect to the two proposals mentioned above. This opportunity has been availed of to weed out certain provisions of the Act which have become obsolete by efflux of time.

NEW DELHI;

A. K. SEN.

The 13th September, 1958.

M. N. KAUL,
Secretary.

